

EASTERN DISTRICT OF MISSOURI

Case No. 13-40091-399

Chapter 7

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ORDER DENYING PLAINTIFF'S

Now before the Court is Plaintiff's motion to dismiss this adversary action

without prejudice to reinstatement without payment of any further filing fee, and

for determination of dischargeability if and when any federal court judgment

becomes final. [Dkt. 20]. Upon careful consideration, it is hereby

ORDERED that the motion to dismiss, Dkt. 20, is **DENIED**. It is further

ORDERED that:

1. The trial setting of October 23, 2017, is **VACATED**, subject to being reset

by further order of this Court.

2. Counsel for Mr. Holmes shall advise the Court as well as counsel for Sharp, David Gunn, of any developments that transpire in *Michael Holmes v. Bobby Lee Garrett*, No. 17-1309 (8th Cir., pending). Notification shall be a notice filed on the docket of this adversary proceeding, which must be filed within one business day following any such development.
3. Either party, depending on the outcome of the action pending before the Eighth Circuit, may file a motion seeking a ruling based on principles of preclusion.

DATED: October 17, 2017
St. Louis, Missouri

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Barry S. Schermer
United States Bankruptcy Judge

Order Prepared By:

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